



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **A special exception for the sale of alcoholic beverages for off-premises consumption at 2000 Colonial Avenue, Suite 6 – Exception Ale**

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-4

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – Sale of alcoholic beverages for off-premises consumption
- IV. **Applicant:** Exception Ale
- V. **Description:**
 - This application is for a new business, Exception Ale, which proposes to occupy a currently vacant space within the Corner Shops.
 - The request is to sell alcoholic beverages for off-premises consumption, with options to create custom four or six-packs as well as growlers (32 ounces and greater).
 - The site is located along the 21st Street Commercial Corridor, with various commercial, office, residential, and institutional uses nearby.

	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	12:00 noon until 9:00 p.m., Monday through Thursday 12:00 noon until 10:00 p.m. , Friday 11:00 a.m. until 10:00 p.m. , Saturday 11:00 a.m. until 8:00 p.m., Sunday

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Susan Pollock, CFM

Staff Report	Item No. 7	
Address	2000 Colonial Avenue	
Applicant	Exception Ale	
Request	Special Exception	Sale of alcoholic beverages for off-premises consumption
Property Owner	The Corner Shops, LLC	
Site Characteristics	Site Area/Space	1.3 acres/1,200 sq. ft.
	Zoning	C-2 (Corridor Commercial) and PCO-21 st (Pedestrian Commercial Overlay District-21 st Street)
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	C-2 & PCO-21 st : BB&T Bank and Bardot
	East	C-2 & PCO-21 st : Sleepy's Mattress
	South	C-2 & PCO-21 st : Bank of America; Office building; U.S. Post Office
	West	C-2 & PCO-21 st : Sherwin Williams Paint; Hardees



A. Summary of Request

- This application is for a new business, Exception Ale, which proposes to occupy a currently vacant space within the Corner Shops.
- The request is to sell alcoholic beverages for off-premises consumption, with options to create custom four or six-packs as well as growlers (32 ounces and greater).
- The applicant also intends on selling gourmet food items.
 - A 4 to 5 ounce tasting will be provided to customers with samples of various foods to help determine which craft beer to purchase.
- The site is located along the 21st Street Commercial Corridor, with various commercial, office, residential, and institutional uses nearby.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The use is permitted in the C-2 and PCO-21st districts by special exception.

	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	12:00 noon until 9:00 p.m., Monday through Thursday 12:00 noon until 10:00 p.m. , Friday 11:00 a.m. until 10:00 p.m. , Saturday 11:00 a.m. until 8:00 p.m., Sunday

ii. Parking

This establishment is located within the Center Shops shopping center, which provides adequate on-site parking.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 39 new vehicle trips per day.
- Based upon ITE data, the prior office use on this site would be expected to generate 13 weekday trips while the proposed new retail use would be expected to generate 52 trips on weekdays.

E. Impact on the Environment

There are no opportunities to provide additional landscaping or a reduction in impervious surfaces.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed establishment should not have a negative effect on the surrounding business or neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- The application was sent to the Ghent Neighborhood League and Ghent Business Association on June 10.
- An e-mail supporting the request was received from the Ghent Neighborhood League on June 30.

I. Communication Outreach/Notification

- Legal notice was posted on the property on June 16.
- Letters were mailed to all property owners within 300 feet of the property on July 10.
- Legal notification was placed in *The Virginian-Pilot* on July 9 and July 16.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation and for the sale of alcoholic beverages for off-premises consumption shall be from 12:00 noon until 9:00 p.m., Monday through Thursday, 12:00 noon until 10:00 p.m., Friday 11:00 a.m. until 10:00 p.m., Saturday, 11:00 a.m. until 8:00 p.m., Sunday
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in refillable containers in containers of less than 32 oz. capacity.

No wine shall be sold in containers less than 375 ml each.

- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Ghent Neighborhood League
Notice to the Ghent Business Association

Proponents and Opponents

Proponents

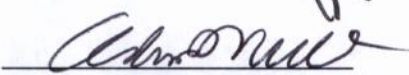
Greg Hartman
4549 Valhalla Drive
Portsmouth, VA 23707

Opponents

None

07/20/2015

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "EXCEPTION ALE" ON PROPERTY LOCATED AT 2000 COLONIAL AVENUE, SUITE 6.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Exception Ale, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Exception Ale" on property located at 2000 Colonial Avenue, suite 6. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 226 feet, more or less, along the eastern line of Colonial Avenue, 225 feet, more or less, along the southern line of West 21st Street, and 288 feet, more or less, along the northern line of West 20th Street; premises numbered 2000 Colonial Avenue, suite 6.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 12:00 noon until 9:00 p.m. Monday through Thursday, 12:00 noon until 10:00 p.m. on Friday, 11:00 a.m. until 10 p.m. on Saturday, and from 12:00 noon until 6:00 p.m. on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until

a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer in bottles or cans of 12 oz. capacity or smaller shall be sold in any package containing fewer than four (4) bottles or cans. No refillable containers or containers that are filled one time, on site, and which have less than 22 oz. capacity shall be sold.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served

adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: _____

Name of business: Exception Ave LLC

Address of business: 2000 Colonial Ave #6

Name(s) of business owner(s)*: GREG HARTMAN

Name(s) of property owner(s)*: Corner Shops, LLC - Jefferson Cooper

Name(s) of business manager(s)/operator(s): GREG HARTMAN

Daytime telephone number (757): 535-8462

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>12pm</u> To <u>9pm</u>	Weekday From <u>12pm</u> To <u>9pm</u>
Friday From <u>12pm</u> To <u>10pm</u>	Friday From <u>12pm</u> To <u>10pm</u>
Saturday From <u>11am</u> To <u>10pm</u>	Saturday From <u>11am</u> To <u>10pm</u>
Sunday From <u>12pm</u> To <u>6pm</u>	Sunday From <u>12pm</u> To <u>6pm</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☐ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

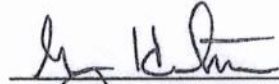
☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

32 oz AND 64oz CROWLERS, 32 oz CROWLERS, 12 oz CANS OR
BOTTLES IN 4 OR 6 PACK ONLY, 22 oz BOTTLES



Signature of applicant/owner

exception(Ale)'s main product will be providing beer to go in growlers (either 32 oz. or 64 oz. containers in either glass or stainless steel) offering a variety of craft beers for customers to choose from.

In addition to beer sales, exception(Ale) will offer gourmet food items for sale that are primarily chosen to be enjoyed as food pairings with the craft beers that are sold. This will include gourmet cheeses, baked goods, nuts, sweets and chips among others.

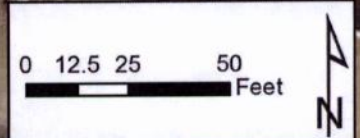
On-premises consumption will be limited to "tastings" which will be 4-5 oz. pours allowing customers to sample the beers in an effort to better help them decide which they would like to buy as well as to allow them to sample the beer and food samples such as cheeses together and see how one can impact the other.

This will be the first location for exception(Ale) and it will be staffed by 2-3 employees at a time, corresponding to the business at the time, and will employ 6-8 employees total.

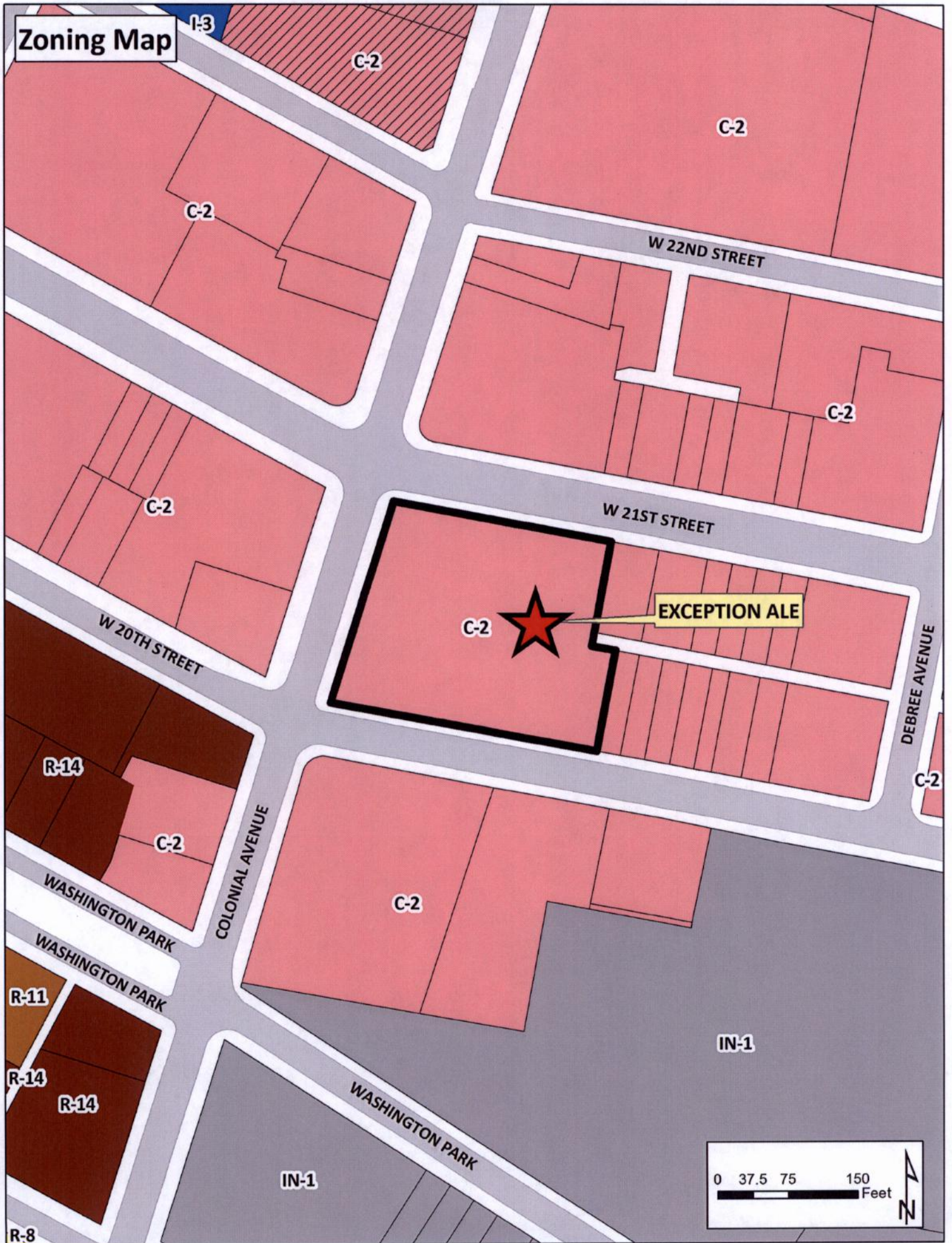
Location Map



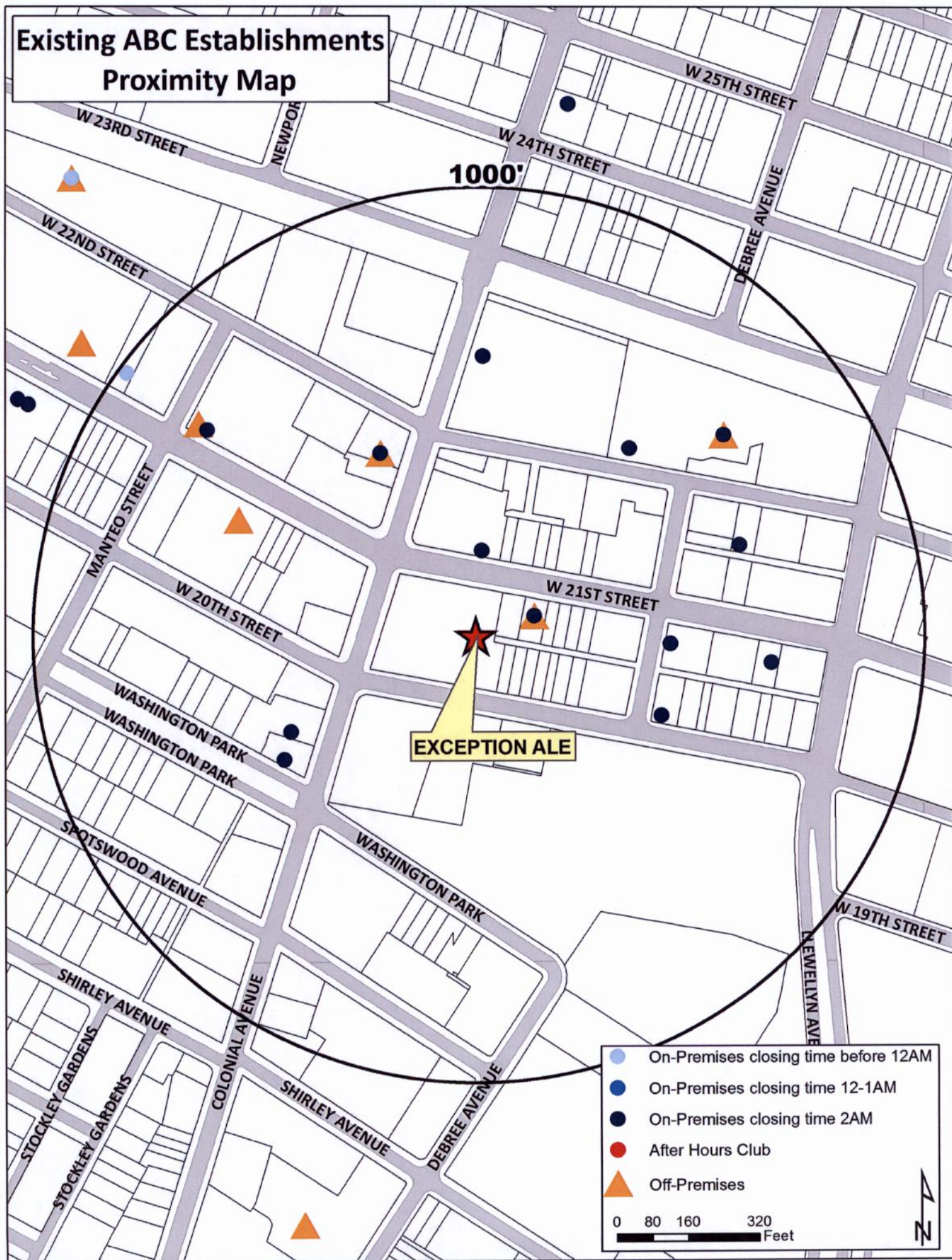
EXCEPTION ALE



Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 6-2-15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 2000 (Street Name) COLONIAL AVE

Existing Use of Property VACANT - PREVIOUSLY WAS TITLE COMPANY

Current Building Square Footage 1200

Proposed Use GROWLER FILL AND GOURMET FOOD STORE

Proposed Building Square Footage 1200

Trade Name of Business (If applicable) EXCEPTION ALE LLC.

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) HARTMAN (First) GREG (MI) H

Mailing address of applicant (Street/P.O. Box): 4549 VALHALLA DR

(City) PORTSMOUTH (State) VA (Zip Code) 23107

Daytime telephone number of applicant (757) 535-8462 Fax () _____

E-mail address of applicant: GREG@EXGROWLERS.COM

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HARTMAN (First) GREG (MI) H

Mailing address of applicant (Street/P.O. Box): 4549 VACHALLA DR

(City) POETSMOUTH (State) VA (Zip Code) 23707

Daytime telephone number of applicant (757) 535-8462 Fax ()

E-mail address of applicant: GREGH@EXGROWERS.COM

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Cooper (First) Jefferson (MI) S
→ Corner Shops, LLC, owner.

Mailing address of property owner (Street/P.O. box): 555 E. Main Street, Suite 1100

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 622-2768 email: jcooper@cooperrealtyva.com
x206

CIVIC LEAGUE INFORMATION

Civic League contact: GNL Emily Bickins GBA Ted Enright

Date(s) contacted: 5-29-15 5-22-15

Ward/Super Ward Information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees; current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: By Jefferson Cooper, Manager Sign: Jefferson Cooper 5/15/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Gretz Hartzman Sign: [Signature] 1/1/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ 1/1/15
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Pollock, Susan

From: Emily Birknes <emilybirknes@gmail.com>
Sent: Monday, June 29, 2015 2:29 PM
To: Pollock, Susan
Cc: Greg Hartman
Subject: exception(Ale)

Dear Susan,

Hope you are enjoying the summer. Here is GNL input regarding Mr. Hartman's business.

Regards,
Emily

exception(Ale)

The GNL has no objection to the applicant's plan per his application to the city dated June 2, 2015 and per his presentation to the Ghent Neighborhood League Thursday, June 18, 2015.